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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,626	09/30/2003	Ronald P. Knockeart	2003P13043US / 09650-0050	6072
24500	7590	07/20/2004	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			ISSING, GREGORY C	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,626

Applicant(s)

KNOCKEART ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-27 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27 and 38-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 24-27 and 38-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Mandhyan et al.

3. Mandhyan et al disclose the claimed method for collecting traffic information including reporting only instances of abnormal speed. During a calibration stage which meets the scope of the claimed method of logging traffic related data, information is gathered and collected as a plurality of vehicles traverse the predetermined routes (Figure 1 and "Calibration Phase" starting at col. 3, line 58). During a monitoring phase which meets the scope of the claimed method of notification, a vehicle automatically reports speeds which are out of bandwidth for that time and place (Figure 2 and "Monitoring Phase" beginning at col. 6, line 53). Mandhyan et al disclose time variation of the monitored data relating to speed, logging and transferring of position, time and other

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characteristics from the monitoring vehicles to the central station, and vehicle notification transmission upon detection of an abnormal condition.

4. Claims 24-27 and 38-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Noecker et al.

5. Noecker et al disclose the claimed method for collecting traffic information including reporting a traffic situation when the actual position and/or drive duration deviates by more than a respective definable threshold value from the expected position or drive duration (col. 2, line 23 – col. 3, line 16). The expected duration is not fixed but is defined as a variable which depends on time of day/week since the system must take into account different traffic densities and/or road conditions that fluctuate as a function of the time of day, week and/or season (col. 3, lines 17-27). Noecker et al measure a position at various points and determine distances therebetween and simultaneously measure the time duration between the two points. The distance traveled and the elapsed time information are an indication of speed along the segment associated therebetween.

6. Claims 25-27 and 45-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (WO 96/29688, US equivalent translation = 6,012,012).

7. Fleck et al disclose the claimed method for collecting traffic data. Reference will be made to the US equivalent document. The operation is described in col. 4, lines 2-34, including defining the road segments on a map, definition of the attributes to be detected, measuring and storing the attributes, and transmission to a service center.

8. Claims 24-27, 38-40, 44-46 and 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Golding.

9. Golding discloses the claimed method for collecting traffic information including reporting deviations of speed from a stored value of speed (col. 5, lines 18-26) for a particular street segment. Additionally, Golding discloses logging traffic related-data, including speed for street segments, and transfer to the central database (col. 5, lines 5-20). As speed is defined as the

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change in distance per unit of time, the travel time information for street segments of known distances is clearly proportional thereto.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 41-43, 47, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding in view of Peterson.

12. Golding teaches the subject matter substantially as claimed as set forth above but fails to show storing the speed data with time varying information. Peterson teaches the storage of information relating to historical speeds for various conditions including time of day, day of week, month, etc. in order to more accurately reflect the time of travel through a segment of road. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Golding by further storing time varying information associated with the speed information in view of the teachings of Peterson so as to more accurately provide an indication of speed on the basis of when the driving is being performed, i.e. rush hour or non-rush hour.

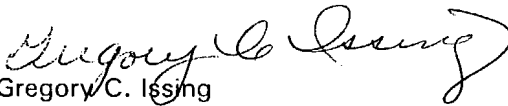
13. Applicants argue that the prior art fails to disclose or suggest (1) transmitting a traffic notification identifying the segment in which the vehicle's speed deviates from a stored speed to a server and (2) logging vehicle speed on each detected segment. These arguments are not convincing in light of the newly cited references. Applicants argue that the filing date of Hoffberg is subsequent to the filing date of the instant application which is August 19, 1998, and thus is not prior art. The Office concurs. Further note, applicants' provisional application 60/056150 does not provide a supporting disclosure for the instantly claimed subject matter.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci

7/19/04